

### REMARKS

The examiner is thanked for thoroughly reviewing the subject patent application. All claims are now believed to be in allowable condition.

Reconsideration of the rejection of Claims 1-2, 4, 8-10, 12 and 16 under 35 U.S.C.102 (e), as being anticipated by Maloney, U.S. Patent 6,323,985, is requested, based on the following argument.

In Applicant's invention for a photodiode a multiplicity of finger-like n-wells that are connected to a conductive region at one end are formed in a p-type region. Maloney's patent for MOSFET through silicon optical modulators comprises grating arrays of MOSFET elements. The n-type regions 214 of Maloney, as described in Maloney column 5 lines 17-21, are source/drain regions that are elements of MOSFETs that are primarily needed to separate gates. They are not connected to region 506 of Maloney, which is an isolation well, but as stated in Maloney column 9 lines 17-20, the source/drain regions can be optionally be coupled to ground potential using contact regions that are not shown. This coupling is only optional, it is not essential to the operation of the device and the coupling does not have a crucial affect.

Independent Claims 1 and 9 are therefore distinct from Maloney and are thus believed allowable. Dependent Claims 2, 4, 8, 10, 12 and 16 will be allowable once independent Claims 1 and 9 are allowed.

Reconsideration of the rejection of Claims 3, 5-7, 11 and 13-15 under 35 U.S.C.103 (a), as being unpatentable over Maloney, U.S. Patent 6,323,985, in view

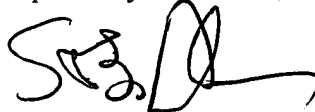
of Merrill et al. U.S. 6,150,683, is requested, based on the following argument.

Dependent Claims 3, 5-7, 11 and 13-15 will be allowable once independent Claims 1 and 9 are allowed.

In summary, all claims are now believed to be in allowable condition and reconsideration of the rejections and allowance is therefore respectfully requested.

It is requested that should there be any problems with this Amendment, please call the undersigned attorney at (845) 452-5863.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. B. Ackerman', with a stylized flourish at the end.

Stephen B. Ackerman, Reg. No. 37,761